

**UNITED STATES BANKRUPTCY APPELLATE PANEL  
FOR THE FIRST CIRCUIT**

**BAP NO. RI 21-011**

**Bankruptcy Case No. 21-10188-DF**

**TNBC BEACH CLUB, LLC,  
a/k/a Newport Beach Club,  
Debtor.**

**OCEAN DEVELOPMENT PARTNERS, LLC,  
TITAN FUNDING, LLC, APPIAN WAY 54, LLC, and  
NICHOLAS FIORILLO,  
Appellants,**

**V.**

**W. MARK RUSSO, Permanent Receiver for  
TNBC Beach Club, LLC,  
Appellee.**

**ORDER FOR TRANSFER OF APPEAL**  
**TO U.S. DISTRICT COURT**

On March 25, 2021, the Appellee, W. Mark Russo, Permanent Receiver for TNBC Beach Club, LLC, filed an Election to Proceed in District Court, pursuant to Fed. R. Bankr. P. 8005(a)(1) and (2) and 1st Cir. BAP L.R. 8005-1(b)(2).

Accordingly, it is hereby **ORDERED** that the above-entitled appeal be **TRANSFERRED** to the United States District Court for the District of Rhode Island.

FOR THE PANEL:

Dated: March 26, 2021

By: /s/ Leslie C. Storm  
Leslie C. Storm, Clerk

[cc: U.S. District Court for the District of Rhode Island; Hon. Diane Finkle; Clerk, U.S. Bankruptcy Court, District of Rhode Island; and Shawn Masterson, Esq.; W. Mark Russo, Esq.; John Dorsey, Esq.]

Official Form 417B (12/15)

United States Bankruptcy Appellate Panel  
First Circuit

In re: Ocean Development Partners, LLC, et al v. W. Mark Russo

Case No.: 21-011

**OPTIONAL APPELLEE STATEMENT OF ELECTION TO PROCEED IN  
DISTRICT COURT****This form should be filed only if all of the following are true:**

- \* this appeal is pending in a district served by a Bankruptcy Appellate Panel,
- \* the appellant(s) did not elect in the Notice of Appeal to proceed in the District Court rather than in the Bankruptcy Appellate Panel,
- \* no other appellee has filed a statement of election to proceed in the district court, and
- \* you elect to proceed in the District Court.

**Part 1: Identify the appellee(s) electing to proceed in the District Court**

1. Name(s) of appellee(s):  
W. Mark Russo, as and only as Receiver of TNBC Beach Club, LLC
2. Position of appellee(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding.

☐ Plaintiff☐ Defendant☐ Other (describe) \_\_\_\_\_

For appeals in a bankruptcy case and not in an adversary proceeding.

☐ Debtor☐ Creditor☐ Trustee☒ Other (describe) Superior Court Appointed Receiver**Part 2: Election to have this appeal heard by the District Court (applicable only in certain districts)**

I (we) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

**Part 3: Sign below**

Signature of attorney for appellee(s) (or appellee(s) if not represented by an attorney)

Date: March 25, 2021

Name, address, and telephone number of attorney (or appellee(s) if not represented by an attorney):

John A. Dorsey, Esq.55 Pine St., 3rd Fl.Providence, RI 02903401-455-1000